

for-training for the purpose of basic training will be ordered to that duty as Reserves of the Army or of the Air Force, as appropriate.

(h) *Advanced individual training.* In order to assure a high level of quality among Reserve enlisted personnel and to achieve and maintain a high level of operational readiness of units of the Selected Reserve, National Guard and Reserve enlistees who require advanced individual training in specific military skills to qualify them for filling unit assignments in the Selected Reserve will be provided such training following completion of their basic training.

(i) The Military Departments will program and budget for advanced individual training capabilities sufficiently to fulfill the individual training requirements of National Guard and Reserve units on a priority consistent with mobilization missions assigned.

(2) Personnel enlisted under subsections (a) or (d) of 10 U.S.C. 511, who have received such advanced training will be required to agree to actively participate in the Selected Reserve for the duration of their statutory obligation.

[35 FR 1290, Jan. 31, 1970, as amended at 35 FR 12654, Aug. 8, 1970]

#### § 132.4 Implementation.

In the interest of maintaining reasonable uniformity and equity among the reserve enlistment programs of the Military Departments, proposed changes to existing reserve enlistment programs established in conformance with this part and programs proposed for establishment under its provisions will be submitted to the Assistant Secretary of Defense (Manpower and Reserve Affairs) for approval.

### PART 142—COPYRIGHTED SOUND AND VIDEO RECORDINGS

Sec.

142.1 Purpose.

142.2 Applicability.

142.3 Policy.

142.4 Procedures.

142.5 Responsibilities.

AUTHORITY: 10 U.S.C. 133.

SOURCE: 49 FR 49452, Dec. 20, 1984, unless otherwise noted.

#### § 142.1 Purpose.

This part provides policy, prescribes procedures, and assigned responsibilities regarding the use of copyrighted sound and video recordings within the Department of Defense.

#### § 142.2 Applicability.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) This part does not regulate the procurement or use of copyrighted works for authorized official purposes.

#### § 142.3 Policy.

(a) It is DoD policy: (1) To recognize the rights to copyright owners by establishing specific guidelines for the use of copyrighted works by individuals within the DoD community, consistent with the Department's unique mission and worldwide commitments, and (2) Not to condone, facilitate, or permit unlicensed public performance or unlawful reproduction for private or personal use of copyrighted sound or video recordings, using government appropriated or nonappropriated-fund-owned or leased equipment or facilities.

(b) Although the policy expressed in this Directive takes into account the copyright law of the United States, the application of that law to specific situations is a matter for interpretation by the U.S. Copyright Office and the Department of Justice.

#### § 142.4 Procedures.

(a) Permission or licenses from copyright owners shall be obtained for public performance of copyrighted sound and video recordings.

(b) Component procedures established pursuant to § 142.5, below provide guidance for determining whether a performance is "public." These general principles will be observed:

(1) A performance in a residential facility or a physical extension thereof is not considered a public performance.